

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NOS. 1100 & 1421
97TH GENERAL ASSEMBLY

4118H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 196, RSMo, by adding thereto two new sections relating to food preparation.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto two new sections, to be
2 known as sections 196.056 and 196.298, to read as follows:

**196.056. 1. A nonprofit organization may prepare food in a private home or other
2 area for distribution to the end consumer at a charitable fundraising event.**

**3 2. The nonprofit organization may inform the consumer by placing a clearly visible
4 placard at the serving location that the food was prepared in a kitchen that is not subject
5 to regulation and inspection by the regulatory authority.**

**6 3. The nonprofit organization may notify the regulatory authority in writing or via
7 electronic mail prior to the beginning of the event. If made, such notification shall include
8 the following: name of the nonprofit organization; date, time, and location of the event;
9 and name and contact information of the person responsible for the event.**

**10 4. This section does not apply to a food establishment regulated by the department
11 of health and senior services providing food for the event.**

196.298. 1. As used in this section, the following terms shall mean:

**2 (1) "Baked good", includes cookies, cakes, breads, Danish, donuts, pastries, pies,
3 and other items that are prepared by baking the item in an oven. A baked good does not
4 include a potentially hazardous food item as defined by department rule;**

**5 (2) "Cottage food production operation", an individual operation out of the
6 individual's home who:**

**7 (a) Produces a baked good, a canned jam or jelly, or a dried herb or herb mix for
8 sale at the individual's home;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 (b) Has an annual gross income of fifty thousand dollars or less from the sale of
10 food described in paragraph (a) of this subdivision; and

11 (c) Sells the food produced under paragraph (a) of this subdivision only directly to
12 consumers;

13 (3) "Department", the department of health and senior services;

14 (4) "Home", a primary residence that contains a kitchen and appliances designed
15 for common residential usage.

16 2. A cottage food production operation is not a food service establishment and shall
17 not be subject to any health or food code laws or regulations of the state or department
18 other than this section and rules promulgated thereunder for a cottage food production
19 operation.

20 3. (1) A local health department shall not regulate the production of food at a
21 cottage food production operation.

22 (2) Each local health department and the department shall maintain a record of a
23 complaint made by a person against a cottage food production operation.

24 4. The department shall promulgate rules requiring a cottage food production
25 operation to label all of the foods described in this section which the operation intends to
26 sell to consumers. The label shall include the name and address of the cottage food
27 production operation and a statement that the food is not inspected by the department or
28 local health department.

29 5. A cottage food production operation shall not sell any foods described in this
30 section through the internet.

31 6. Nothing in this section shall be construed to prohibit the authority of the
32 department to conduct an investigation of a foodborne disease or outbreak.

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